

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No: [19-md-02913-WHO](#)Case Name: In Re: Juul Labs, Inc., (San Francisco Unified School District v. Juul (Case No. 20-cv-8117-WHO))

TRIAL SHEET, EXHIBIT and WITNESS LIST

JUDGE:	PLAINTIFF ATTORNEYS:	DEFENSE ATTORNEYS:
William H. Orrick	Sarah London, Dena Sharp, and Thomas Cartmell	Beth Wilkinson, Brian Stekloff, and John Massaro
TRIAL DATE: 04/28/2023	REPORTER:	CLERK:
8:03 a.m. to 1:27 p.m. 5 hours and 24 minutes	Debra Pas	Jean Davis

PLF NO.	DEF NO.	TIME OFFERED	ID	REC	DESCRIPTION
		8:03 a.m.			In camera conference conducted. Counsel London, Sharp, Wilkinson, Stekloff and Massaro present. Motions and objections discussed. Exhibits 5079 and 5140 will be barred from admission. Counsel should meet and confer as to appropriate examination of witness Pritzker.
		8:20 a.m.			Court in recess
		8:31 a.m.			Court in session (jurors present) Testimony of William F. Gifford, Jr. presented by way of video deposition excerpts continues (Pl: 12 mins, Def: 16 mins)
		9:00 a.m.			Plaintiff announces exhibits admitted pursuant to stipulated order of the Court (Cartmell)
74		9:01 a.m.		X	12/06/2018 Email from Brian Blaylock to Jwappler, et al. Re: BoD Portal presentations
75		9:01 a.m.		X	12/13/2017 Email from Brian Blaylock to Howard Willard et al. Re: Updated Project Tree presentation
642		9:01 a.m.		X	05/10/2018 Email from Brian Blaylock to Howard Willard et al. Re: Project Tree - BOD Full presentation
643		9:01 a.m.		X	Kaplan, B. et al. "The Youth e-cigarette epidemic: New estimates of JUUL Labs revenue from youth users in the US" Tobacco Induced Diseases, March 2, 2021
1633		9:01 a.m.		X	10/04/2018 Email from Murray Garnick to Howard Willard et al. Re: Thoughts about tomorrow's Board call and Attachment
76		9:01 a.m.		X	10/15/2018 Email from Paige Magness to Howard Willard et al. Re: Town Hall Plan w-Draft Script for October Townhall
644		9:01 a.m.		X	10/25/2018 Email from Howard Willard to Nicholas Pritzker et al. Re: Altria Response to FDA Letter
1838		9:01 a.m.		X	12/20/2018 Altria Makes \$12.8 Billion Minority Investment in JUUL to Accelerate Harm Reduction and Drive Growth - Business Wire
2898		9:01 a.m.		X	1/5/2019 Email from Todd Walker to Murray Garnick Re: Re: FDA action items/Juul coordination

Case No: 19-md-02913-WHOCase Name: Madison County Publice Schools v. In Re: Juul Labs, Inc., Marketing, Sales PracticesDate: April 28, 2023Courtroom Deputy: Jean Davis - Court Reporter: Debra Pas**EXHIBIT and WITNESS LIST CONTINUED**

PLF NO.	DEF NO.	TIME OFFERED	ID	REC	DESCRIPTION
645		9:01 a.m.		X	01/06/2019 Email from Murray Garnick to Howard Willard et al. Re: Juul proposal
712		9:01 a.m.		X	Services Agreement - Altria Group, Inc. and JUUL Labs, Inc. - 12/20/2018
77		9:01 a.m.		X	02/14/2019 Email from Murray Garnick to Howard Willard and William Gifford Re: Early Impact: JUUL
646		9:01 a.m.		X	09/26/2018 Email from 'ALCS Investor Relations Information Delivery' to Howard Willard et al. Re: Analyst Comments
1868		9:01 a.m.		X	6/28/2018 Email from Dinya Devitre to William Gifford Re: Jefferies - Tobacco - Nielsen US cigarette industry vols - stop with all the negativity -- 06.26.18.pdf
647		9:01 a.m.		X	10/31/2018 Email from William Gifford to Murray Garnick Re: Publication of First Youth Juul Usage Data
1992		9:01 a.m.		X	11/1/2018 Email from Elizabeth Mountjoy to ALCS team Re: FW: Analyst Comments
2910		9:01 a.m.		X	11/13/2018 JUUL Labs Action Plan - Message from Kevin Burns
		9:02 a.m.			Plaintiff indicates that "trial exhibit 31023" was omitted from the announcement (deposition exhibit 31023 is trial exhibit 1868)
		9:02 a.m.			Testimony of Howard Arnold Willard, III presented by way of video deposition excerpts
		10:00 a.m.			Jurors excused
		10:01 a.m.			Admission of Exhibit 965 discussed outside the presence of the jurors
		10:04 a.m.			Exhibit 47 discussed; exhibit is admitted by stipulation
		10:06 a.m.			Court in recess
		10:21 a.m.			Court in session (jurors present) Continuing testimony of Howard Arnold Willard, III presented by way of video deposition excerpts (Pl: 1 hr, 3 mins, Def: 31 mins)
		11:01 a.m.			Plaintiff announces exhibits admitted pursuant to stipulated order of the Court (Cartmell)
3302		11:01 a.m.		X	1/2/2020 Richter, R. Has Smoking Lost Its Cool? https://www.statista.com/chart/20385/cigarette-sales-in-the-united-states/
988		11:01 a.m.		X	Foundation for a Smoke-Free World website homepage

Case No: 19-md-02913-WHO

Case Name: In Re: Juul Labs, Inc., (San Francisco Unified School District v. Juul (Case No. 20-cv-8117-WHO)

Date: April 28, 2023Courtroom Deputy: Jean Davis - Court Reporter: Debra Pas**EXHIBIT and WITNESS LIST CONTINUED**

PLF NO.	DEF NO.	TIME OFFERED	ID	REC	DESCRIPTION
992		11:01 a.m.		X	06/02/2017 Email from D. Wise to J. Wappler et al. Re: Project Tree Draft
994		11:01 a.m.		X	Email from B. Chambers to Howard Willard et al. re: Draft 3 year Strategic Plan Board of Directors Presentation
952					
956		11:01 a.m.		X	2/27/2019 Email from S. Quigley to Howard Willard, et al. Re: March 2019 Executive Summit Agenda and Logistics
42		11:01 a.m.		X	10/15/2019 Letter from Justin P. Hedge to James E. Abell III, Esq. Re: Request for Additional Information and Documentary Materials Issued to Altria Group, Inc., No. 20190791
23		11:01 a.m.		X	JUUL Teen Tabulations - Percent Appealing to Teens (Flavors)
961		11:01 a.m.		X	10/17/2018 Email from Paige Magness to Howard Willard, et al. Re: October Town Hall Plan
965		11:01 a.m.		X	09/15/2019 Email from Paige Magness to Howard Willard Re: HAW Video Outline 9.15.2019
249		11:01 a.m.		X	10/4/2018 Outline re: Three topics: Restructuring, FDA, and Tree (Notes for board call)
971		11:01 a.m.		X	09/12/2018 Statement from FDA Commissioner Scott Gottlieb, M.D., on new steps to address epidemic of youth e-cigarette use
972		11:02 a.m.		X	09/12/2018 letter from FDA to Howard Willard Re: MarkTen
195		11:02 a.m.		X	10/02/2018 Email from Murray Garnick to William Gifford and Kevin Crosthwaite Re: Draft Outline - Engagement with Commissioner Gottlieb
368		11:02 a.m.		X	DRAFT Outline for Meeting with Commissioner Gottlieb, October 18, 2018 - Altria
46		11:02 a.m.		X	10/4/2018 Outline re: Three topics: Restructuring, FDA, and Tree (Notes for board call)
998		11:02 a.m.		X	10/14/2018 Email from Anthony Reale to Howard Willard et al. Re: Tree Term Sheet.
975		11:02 a.m.		X	10/18/2018 Email from Murray Garnick to Howard Willard Re: Antitrust council
12		11:02 a.m.		X	10/25/2018 Letter from Howard Willard to Scott Gottlieb Re: underage use of e-vapor products
72		11:02 a.m.		X	10/30/2018 Email from Murray Garnick to Howard Willard Re: FDA Update
2925		11:02 a.m.		X	2/6/2019 Letter from Scott Gottlieb to Howard Willard

980		11:02 a.m.		X	7/28/2017 Email from W. Hilsman to J. Dillard, et al. Re: Commissioner Gottlieb's Prepared Remarks from today's announcements
982		11:02 a.m.		X	10/31/2018 FDA Statement from FDA Commissioner Scott Gottlieb, M.D., on meetings with industry related to the agency's ongoing policy
983		11:02 a.m.		X	11/13/2018 JUUL Labs Action Plan - Message from Kevin Burns
984		11:02 a.m.		X	03/04/2019 Email from Paige Magness to Murray Garnick et al. Re: Approach to FDA Announcements on E-Vapor
985		11:02 a.m.		X	03/13/2019 Statement from FDA Commissioner Scott Gottlieb, M.D., on advancing new policies aimed at preventing youth access to, and appeal of, flavored tobacco
987		11:02 a.m.		X	11/15/2018 Email from Joe Murillo to M. Garnick, et al. Re: Statement from FDA Commissioner Scott Gottlieb, M.D., on Proposed new steps to protect youth by preventing access to flavored tobacco products and banning menthol in cigarettes
989		11:03 a.m.		X	12/11/2018 Email from Brian Blaylock to William Gifford et al. Re: Project Tree (DEC BoD updated 12.11 Final) and Discussion Materials - Eagle (BoD 12.11)
		11:03 a.m.			Plaintiff reads stipulation of parties to the jury (Cartmell)
		11:03 a.m.			Testimony of James Xu presented by way of video deposition excerpts (Pl: 15 mins, Def: 6 mins)
		11:25 a.m.			Plaintiff announces exhibits admitted pursuant to stipulated order of the Court (Cartmell)
1017		11:25 a.m.		X	4/1/2019 Email from James Xu to Russell Rogers et al. Re: meeting on continued discussion to resolve serious issues created for Avail by Altria's shift in strategy
2740		11:25 a.m.		X	12/7/2015 Investment Agreement between Altria Ventures, Inc. and Avail Vapor, LLCYRBS
		11:26 a.m.			Plaintiff direct examination of Erica Lingrell (Sharp)
5074		11:50 a.m.	X	X	(no objection)
		11:55 a.m.			Jurors excused; court in recess
		12:09 a.m.			Court in session (jurors out) Plaintiff counsel provides brief overview of afternoon schedule.
		12: 11 a.m.			Jurors seated Plaintiff direct examination of Erica Lingrell continues (Sharp)
	5077	12:16 a.m.	X	X	Vaping 101 For Middle School What to know and What to do Micelle Rait and Lynda Boyer-Chu TUPE Nurse Facilitators, SFUSD School Year 2019-20 (no objection)
		12:29 p.m.			Defense cross examination of Erica Lingrell (Stekloff)
	7076	12:34 p.m.	X	X	Email 08/21/2019 (no objection)
	6249	12:38 p.m.	X	X	Email 11/25/2019 (objection overruled)
	7115	12:45 p.m.	X	X	YRBS Survey results report (no objection)

	7116	12:45 p.m.	X	X	YRBS Survey results report (no objection)
	7117	12:45 p.m.	X	X	YRBS Survey results report (no objection)
		12:53 p.m.			Plaintiff redirect of Erica Lingrell (Sharp)
		1:00 p.m.			Defense follow up examination of Erica Lingrell (Stekloff)
		1:01 p.m.			Plaintiff follow up examination of Erica Lingrell (Sharp)
		1:01 p.m.			Witness excused
		1:03 p.m.			Plaintiff direct examination of Madeline Cho (Sharp)
5117		1:15 p.m.	X	X	2/7/2020 Email from Nina H. Mayer to Susan C. Saunders Re: New Bathroom Policy (no objection)
		1:20 p.m.			Defense waives cross examination
		1:20 p.m.			The Court reminds jurors of the Court's admonitions as to their conduct.
		1:25 p.m.			Jurors dismissed
		1:27 p.m.			Court in recess

Plaintiff time at start of day: 27 hours, 50 minutes
Time used 04/28/2023: 2 hours, 53 minutes
Time remaining: 24 hours, 57 minutes

Defendant total time: 35 hours, 55 minutes
Time used 04/28/2023: 1 hour 18 minutes
Time remaining: 34 hours, 37 minutes